

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Raqucal Cunningham,)	C/A No. 7:21-cv-01554-DCC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
BMW Manufacturing Co., LLC,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Defendant’s Motion for Summary Judgment. ECF No. 65. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation (“Report”). On March 30, 2023, the Magistrate Judge issued a Report recommending that the Motion be granted. ECF No. 76. Plaintiff filed objections to the Report, Defendant filed a Reply, and Plaintiff filed a Sur-Reply.¹ ECF Nos. 80, 82, 83.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

¹ In her Sur-Reply, Plaintiff also included a document labeled “Request for an Extension.” ECF No. 83 at 3. She “request[s] an extension for the summary judgment” and explains that she has been locked out of her storage unit, which contains her belongings. On June 6, 2023, the Court granted to motion for extension of time and given 30 days to file any supplementary objections within 30 days. ECF No. 84. Plaintiff has not filed any documents and the time in which to do so has lapsed.

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As an initial matter, the Magistrate Judge provides a thorough recitation of the relevant facts and applicable law, which the Court specifically incorporates by reference. As stated above, the Magistrate Judge recommends granting Defendant’s Motion for Summary Judgment. In Plaintiff’s objections, she seems to allege the Magistrate Judge was biased and prejudiced against her. ECF No. 80. In her Sur-Reply, Plaintiff requests that her case be allowed to proceed. ECF No. 83. Plaintiff’s objections do not specifically address the Magistrate Judge’s Report; however, out of an abundance of caution for a pro se party, the Court has conducted a de novo review of the record, the Report, and the applicable law. Upon such review, the Court agrees that summary judgment is appropriate.

CONCLUSION

Based on the foregoing, the Court adopts the recommendation of the Magistrate Judge. Defendant's Motion for Summary Judgment [65] is **GRANTED**.

IT IS SO ORDERED.

August 21, 2023
Spartanburg, South Carolina

s/ Donald C. Coggins, Jr.
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.